APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,627	06/24/2003	Fernando Cuervo	3430-Z	1150

7590   05/30/2008

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EXAMINER
SWEARINGEN, JEFFREY R

ART UNIT	PAPER NUMBER
2145	

MAIL DATE	DELIVERY MODE
05/30/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/601,627	CUERVO, FERNANDO
Office Action Summary	Examiner	Art Unit	
	Jeffrey R. Swearingen	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>30 January 2008</u>.

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1,2 and 4-19</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1,2 and 4-19</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR

1.17(e), was filed in this application after final rejection. Since this application is eligible for continued

examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the

finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's

submission filed on 1/30/2008 has been entered.

Response to Arguments

2.   Applicant's arguments with respect to claims 1, 2, and 4-19 have been considered but are moot in

view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1, 2, and 4-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poliquin et

al. (US 5,696,486) in view of Rakoshitz et al. (US 6,816,903).

5.   In regard to claims 1, 8 and 11, Poliquin disclosed a network management and alarm system

which scheduled policy evaluation based on alarm events, and logged the information.

6.   Poliquin disclosed:

> *a pre-computation module grouping a plurality of policies having the same triggering*
>
> *condition and policy decision into a policy equivalency class*; Column 10, lines 21-34
>
> *a scheduler initiating policy evaluation based on received events satisfying passive*
>
> *conditions determining policy-managed entity memberships with respect to the policy equivalency*
>
> *class*; column 9, line 60 – column 10, line 20

a triggering module monitoring communication network events satisfying the triggering condition, the triggering module initiating policy evaluation subsequent to the triggering condition being satisfied; and column 7, line 19 – column 8, line 29

a policy decision distribution mechanism issuing the policy decision to the policy equivalency class member policy-managed entities for policy enforcement, column 8, line 30 – column 9, line 13;

a policy repository for storing the plurality of policies and the policy decision; and Column 11, lines 50-67

grouping the plurality of policies into the policy equivalency class, and associating policy-managed entities with the policy equivalency class, provides policy equivalency class restricted policy evaluation reducing policy evaluation overheads. Column 9, lines 45-59

Poliquin failed to disclose prioritization of the evaluation of policy equivalency classes based on demand for the class and available resources. However, Rakoshitz disclosed using available bandwidth and priorities for users based on demand and available resources to determine a priority scheme. Rakoshitz, column 6, lines 16-30, column 10, lines 23-36, column 10, line 48 - column 11, line 45; column 14, lines 30-67. It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate a determination of available resources and demand in order to provide system efficiency and reduce network congestion. (Rakoshitz, column 3, line 50 – column 4, line 12).

7.   In regard to claim 2, Poliquin disclosed:

the policy server being associated with a network management system providing support of one of policy-based network management, and policy-based service provisioning. *Column 5, lines 33-39*

8.   In regard to claim 4, Poliquin disclosed:

the policy repository comprises one of a database and a directory. Column 5, line 45

9.   In regard to claim 5, Poliquin disclosed:

the policy repository further comprises a policy condition management interface providing interaction with one of the policies and policy conditions. *column 6, lines 45-65*

10.   In regard to claim 6, Poliquin disclosed:

the policy server being further associated with a policy equivalency class repository for storing policy equivalency class specifications. *Column 8, lines 42-49*

11.   In regard to claim 7, Poliquin disclosed:

a policy condition management interface providing interaction with one of the policies and policy conditions. *Column 9, lines 14-67*

12.   In regard to claims 9, 12, Poliquin disclosed:

> *wherein performing policy evaluation based on satisfying the triggering condition, the method further comprises a step of: changing a corresponding policy-managed entity's membership with respect to the policy equivalency class.* Column 9, lines 14-67

13.   In regard to claim 10, Poliquin disclosed:

> *monitoring events in a communications network.* Column 6, lines 4-65

14.   In regard to claim 13, Poliquin disclosed:

> *prioritizing passive condition related policy evaluation based on a demand for one of a policy and the policy equivalency class.* Column 7, lines 34-67

15.   In regard to claim 14, Poliquin disclosed:

> *determining a demand for the one of the policy and the policy equivalency class based on a previous utilization frequency thereof.* Column 8, lines 1-41

16.   In regard to claim 15, Poliquin disclosed:

> *specifying a policy condition.* Column 10, lines 21-60

17.   In regard to claim 16, Poliquin disclosed:

> *designating the policy condition as one of the triggering condition and a passive condition.* Column 10, lines 21-60

18.   In regard to claim 17, Poliquin disclosed:

> *wherein specifying the triggering condition, the method further comprises a step of:*
> *specifying one of a time-of-day event, a quality-of-service event, a source available event, a*
> *source unavailable event, a broadcast start event, and an information flow available event to be*
> *monitored.* Column 10, lines 21-67

19.   In regard to claim 18, Poliquin disclosed:

> *logically combining events.* Column 15, lines 40-67

20.   In regard to claim 19, Poliquin disclosed:

> *specifying one of a prepaid status event, a policy-managed entity on-line event, a policy-*
> *managed entity off-line event, a policy-managed entity capability, and a policy-managed entity*
> *interest in a service.* Column 10, lines 21-67

Conclusion

21.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

22.   Forslow   US 6,954,790

23.   Sachse et al.   US 6,985,901

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571)272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be obtained from

either Private PAIR or Public PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC)

at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative

or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-

1000.

                                                        Jeffrey R. Swearingen
                                                        Examiner
                                                        Art Unit 2145

/J. R. S./
Examiner, Art Unit 2145
                                                                        /Jason D Cardone/
                                                        Supervisory Patent Examiner, Art Unit 2145